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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,836	01/07/2002	Marshall O. Townsend II	GLFP-1-1001	4549

7590 12/09/2002

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EXAMINER
LEGESSE, NINI F

ART UNIT	PAPER NUMBER
3711	5

DATE MAILED: 12/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/041,836	TOWNSEND, MARSHALL O.	
	Examiner	Art Unit	
	Nini F. Legesse	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 January 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-6,9-13,20-22 and 25-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-6,9-13,20-22 and 25-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Applicant's response to the first office action including the cancellation of claims 2,3,7,8,14-19, 23, 24 and addition of claims 25-31 is acknowledged in paper no. 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1, 11-13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs et al. (US Patent No. 1,484,390) in view of Manley (US Patent No. 2,707,638).

Gibbs et al. discloses an instruction chart for playing golf comprising:

- A template (Fig. 2), the template having a top and a bottom; and, a graphic design attached to the template, the graphic design depicting a swing reference guide comprising a plurality of shot selection types; a link between each one of the plurality of shot selection types and one of the club path indicators (11, all the instructions that are shown on the template could be considered as links); and a foot (for example 2 & 3) and ball position indicator (7).

Gibbs et al. fail to teach a plurality of club path indicator on a single template and a tee bore extending though the template wherein the tee bore is being configured to receive a golf tee or a golf ball and a generally longitudinal tee slot extending from the tee bore.

Manley teaches a plurality of club path indicator (14-21) on a single template and a tee bore extending though the template wherein the tee bore is being configured to receive a golf tee or a golf ball (23,24 and refer to Fig.2) and has a generally longitudinal tee slot extending from the tee bore (24). With respect to the plurality of club paths, It would have been obvious to one of ordinary skill in the art at the time the invention is made to provide a plurality of club paths as taught by Manley in the Gibbs et al. device in order to have a single device that can teach different swing paths for a golfer. And with respect to the tee slot, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a longitudinal tee slot as taught by Manley in the Gibbs et al. device in order to provide clearance for the putter as stated in column 3, lines 10-16.

Claims 4-6, 10, and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over references as applied to claims 1 and 20 above, and further in view of Molinar (US Patent No. 2,652,251).

The references as applied to claims 1 and 20 above fail to explicitly teach inside out, outside-in club paths, a club face angle indicator associated with the shot selection types and a handle. Molinar discloses an inside-out, outside-in club paths (Fig. 1), a club face angle indicator (16) associated with the shot selection types and a handle (the cavity between the arched section and the vertical section shown in Fig. 1 can be considered a handle) .It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide different types of club paths and club face angle indictors associated with the shot selection types as taught by Molinar in the Gibbs et

al.'s device in order to combine a maximum instructional guidance in to a single training unit which is portable. Laffer et al. also disclose an inside-out path (refer to Fig. 3) and an outside-in path (refer to Fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide swing reference guide, hand locator, inside-out & outside-in paths locators as taught by Laffer et al. in the Gibbs et al.'s device in order to help facilitate and expedite a quick understanding of the fundamental of the golf game by any player. With respect to claims 25-31 each of these reference shows a plurality of indicia useful in conveying instructive information, and given that, it would appear obvious to present that useful indicia in any form desired such as by way of an insignia of any design, such being mere matters of design.

Claim 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over references as applied to claims 1 and 20 above, and further in view of Beatty (US Patent No. 5,415,407) and Long (US Patent No. 5,273,285).

The references as applied to claims 1 and 20 above fail to include an ultraviolet protective layer. However, Gibbs et al. also disclose that the device could be any suitable material. And both Beatty (refer to claim 6) and Long (refer to column 3, lines 65-68) disclose an ultraviolet protective layer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an ultraviolet protective layer as taught by both Beatty and Long in the Gibbs et al. device in order to prolong the life of the device by protecting it from sun damage.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over references as applied to claims 1 and 20 above, and further in view of Florian (US Patent No. 6,156,396).

The above references disclose the invention as recited above but fail to include that the graphic design is laminated, that the graphic design is attached to a bottom surface of the template.

With respect to the device being laminated, Florian discloses that the device is laminated (column 2, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to laminate the device in order to provide an anti-friction layer that is durable.

With respect to the graphic design being attached to a bottom surface of the template, it would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the graphic design any where including on top surface or bottom surface. If the device is clear plastic it will not matter where the design is located because the design can be seen through regardless of its location, and it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Response to Arguments

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (703) 605-1233. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell, can be reached on (703) 308-2126. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Paul T. Sewell
Supervisory Patent Examiner
Group 3700